

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PAUL F. MITCHELL,

Petitioner,

v.

SUPERINTENDENT KEVIN KAUFFMAN, et al.,

Respondents.

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CIVIL ACTION

NO. 18-3529

ORDER

AND NOW, this 23rd day of October, 2019, upon independent consideration of the Petition for Writ of Habeas Corpus, the Response to the Petition, and after review of the Report and Recommendation (“R&R”) of United States Magistrate Judge Henry S. Perkin dated September 18, 2019, **IT IS HEREBY ORDERED** that:

1. the R&R is **APPROVED** and **ADOPTED**;
2. the Petition for Writ of Habeas Corpus is **DENIED** without prejudice and **DISMISSED** without an evidentiary hearing; and
3. there is no probable cause to issue a certificate of appealability.

BY THE COURT:

/s/ Gerald Austin McHugh

GERALD A. MCHUGH, J.